

### 13-1: OVERVIEW OF CHAPTER

Documents relating to the pooled mortgages must be held by the document custodian, on Ginnie Mae's behalf, for the life of the pool. It is the issuer's responsibility to arrange for an eligible institution to serve as document custodian prior to submission of a pool for processing. The document custodian works under direct contract with the issuer, but has a fiduciary responsibility to Ginnie Mae. While an issuer may utilize more than one document custodian, each pool is required to have only one document custodian.

Because an issuer is ultimately responsible for the safekeeping of Ginnie Mae custodial documents at all times, Ginnie Mae holds the issuer responsible for any and all losses incurred in the event that the document custodian it has employed failed to perform its fiduciary responsibilities. However, with respect to any specific loss Ginnie Mae may incur because of the absence of, or a defect in, a particular document, we also have the right to require the document custodian to make us whole if it breaches its fiduciary obligations to Ginnie Mae with respect to the mortgages involved in the loss. Therefore, Ginnie Mae expects the issuer to establish appropriate methods of monitoring the financial viability and operational capabilities of any document custodian it uses to hold custodial documents on Ginnie Mae's behalf.

This Chapter describes the eligibility requirements for document custodians and briefly outlines their responsibilities for document review, pool certification, and ongoing document retention, protection, and management.

Detailed instructions can be found in the Ginnie Mae Document Custodian Manual ("Manual") (Appendix [V-1](#)). In the event of a conflict between the provisions of the Ginnie Mae MBS Guide ("Guide") and the Manual, this Guide shall govern.

### 13-2: DOCUMENT CUSTODIAN'S ELIGIBILITY REQUIREMENTS

#### ***(A) General Eligibility Requirements***

The document custodian works under direct contract with the issuer. While an issuer may use different document custodians for different pools, each pool must have only one document custodian.

In order to become a document custodian, an institution must meet the eligibility requirements stated in Chapter 2 of the Manual, which states the following:

- (1) Be a financial institution regulated by the Federal Deposit Insurance Corporation (FDIC), the Federal Reserve System (FRB), the Office of the Comptroller of the Currency of the U.S. (OCC), the Office of Thrift Supervision (OTS), the National Credit Union Administration (NCUA); or be a

Federal Home Loan Bank (FHLB);

The trust service function must be subject to periodic review and inspection by the primary regulator. If, upon such review the trust service function is suspended or terminated by the institution's primary regulator, the issuer and document custodian must immediately notify Ginnie Mae's Office of Mortgage-Backed Securities (see [Addresses](#)) and must transfer the documents to a new document custodian according to Ginnie Mae's instructions.

- (2) Maintain physically secure, minimum one and one half (1-1/2) hour fire resistant storage facilities that have adequate access controls to ensure the safety and security of the custody documents and loan files. The access controls may be either in (1) an electronic form, such as requiring one employee using a security card reader to gain entry to the vault; or (2) a manual form, requiring two employees to be present whenever the vault is entered.

After September 1, 2004, for any new applications submitted to Ginnie Mae requesting document custodian approval, new document custodial facilities must maintain secure, fire-resistant storage with a minimum of two (2) hours of fire protection and have adequate access controls as described in Chapter 13-2(A)(2) above to ensure the safety and security of the custody documents and loan files.

Effective January 1, 2007, all document custodial facilities must provide for two (2) hours of fire protection.

- (3) Employ personnel who are knowledgeable about Ginnie Mae policies and procedures;
- (4) Meet minimum Ginnie Mae financial requirements;
- (5) Maintain minimum insurance coverage requirements;
- (6) Establish and follow written procedures relating to its responsibilities as document custodian; and
- (7) Maintain a written disaster recovery plan that covers restoration of the facilities, physical recovery of the files, and backup and recovery of information from electronic tracking systems. The disaster recovery plan must document at a minimum:
  - (a) Recovery of the electronic tracking system utilized by the document custodian (both data and reports);
  - (b) Relocation/restoration of the document custodial facilities to ensure the continuing ability to perform required custodial functions;

- (c) Additional requirements for the testing and maintenance of the plan;
  - (d) Procedures for notifying both the issuer(s) and Ginnie Mae of a disaster within 24 hours of the disaster;
  - (e) Certification testing which provides for the disaster recovery plan to be tested annually and acknowledged by an independent party (i.e., internal audit or an Independent Auditor). Such acknowledgment must state that the test was completed successfully; or if the facility failed the test, the date the successful test was completed.
- (8) The document custodian must have in place a quality control plan for document review standards utilized. This quality control plan must include procedures for monitoring the work of each of the document custodian's subcontract reviewers, if any. The document custodian must also have available for review by Ginnie Mae or its designee its most recent quality control audit and disclose any action taken as a result of the findings. The quality control program requirements may be amended from time to time.
- (9) If the document custodian is a Government Sponsored Enterprise ("GSE") approved document custodian, it must be in good standing with the GSE or GSE(s), certify to that effect, and certify whether it is or ever has been the subject of any adverse action by either GSE. In the event of suspension by one or both of the GSE(s), the document custodian must notify Ginnie Mae in writing of all formal or supervisory actions including terminations. Regulatory actions include, but are not limited to, supervisory agreements, cease and desist orders, notices of determination, memoranda of understanding, and any action taken by the U.S. Department of Housing and Urban Development (HUD) or any adverse action by a state licensing agency. Supervisory actions include, but are not limited to, the appointment of a trustee, conservator or managing agent.
- (10) A document custodian must satisfy any other requirements determined by Ginnie Mae at its sole discretion to be necessary for the protection of its interest in the pool and loan documents and set forth in writing. These requirements may be amended from time to time.

Ginnie Mae reserves the right to require an issuer to transfer documents (for both existing and future business) to a different document custodian, even if the document custodian satisfies our eligibility criteria and meets our operating standards. For

example, Ginnie Mae might require documents to be transferred if it appears likely that a custodian will fail to satisfy its regulatory capital requirements and be placed in conservatorship or receivership. Requirements for transferring documents to a different custodian are outlined later in this Guide.

In addition to the eligibility requirements listed above, the document custodian must maintain documentation in its files evidencing its continued compliance with the Ginnie Mae requirements described in Chapter 2 of the Manual.

### ***(B) Master Custodial Agreement***

The document custodian institution must enter into a Master Custodial Agreement, form HUD11715 (Appendix III-4), with each issuer for which it serves as document custodian. By January 1 of each year, renewal master agreements must be submitted by the issuer to the Pool Processing Agent (PPA), or else must indicate to the PPA that no changes have been made to the existing agreement.

The document custodian has no responsibility to verify that the renewal master agreement was submitted by the issuer to the PPA, or that the issuer indicated that no changes were made to the existing agreement. The document custodian must maintain the initial or subsequent HUD11715 in the Issuer Master File.

### ***(C) Removal of Document Custodian From Participation***

A document custodian may be removed from participation in the Ginnie Mae MBS Program for any of the following reasons:

- (1) Failure to meet any of the general eligibility requirements;
- (2) Failure to comply with the provisions of this Guide or the Manual;
- (3) Failure to conduct its business operations in accordance with industry practice, ethics, and standards, as determined at Ginnie Mae's sole discretion;
- (4) Failure to turn over the custodial documents to Ginnie Mae or Ginnie Mae's designees immediately upon receipt of notice of the default of a Ginnie Mae issuer; or
- (5) Any reason Ginnie Mae determines at its sole discretion is necessary to protect the safety and soundness of the Ginnie Mae MBS Program.

A document custodian may be removed from participation in the Ginnie Mae MBS Program upon written notice from Ginnie Mae. Such written notice will state the reasons for the removal. A document custodian will bear the risk of all losses associated with a removal by Ginnie Mae. In the event of removal, a document custodian will have the opportunity to submit a written presentation to the president of Ginnie Mae in support of a

request for reinstatement. A determination by the president of Ginnie Mae will exhaust the administrative remedies to the document custodian.

A document custodian that has been removed from participation in the Ginnie Mae MBS Program may submit a written request to Ginnie Mae's Office of Mortgage-Backed Securities (see [Addresses](#)) to be re-approved to serve as a document custodian once three years have elapsed from the effective date of removal. Approval of the request will be at the sole discretion of Ginnie Mae and upon terms that Ginnie Mae deems appropriate.

### ***(D) Requirements for Related-Party Document Custodians***

Related-party document custodians are subject to additional requirements. A related-party document custodian is defined as either the issuer itself acting as the document custodian (self-custody) or an affiliate of the issuer acting as the document custodian. The additional requirements include:

#### **(1) Self-custody.**

The institution must maintain custody of Ginnie Mae documents in a trust department that is physically separate and vertically independent from the origination and/or servicing area(s) and must maintain separate personnel, files, and operations.

The institution must have obtained prior approval from its primary regulator to exercise fiduciary powers. These fiduciary powers must include (a) ordinary trust services, such as personal trust services, personal representative services (executor), guardianship, custodian services, and/or investment advisory services offered to the public, and (b) may not be limited to maintaining custody of documents for Ginnie Mae issuers.

The trust service function must be subject to periodic review and inspection by the primary regulator. If, upon such review the trust service function is suspended or terminated by the institution's primary regulator, the issuer and custodian must notify Ginnie Mae's Office of Mortgage-Backed Securities (see [Addresses](#)) immediately and must transfer the documents to a new custodian according to Ginnie Mae's instructions.

#### **(2) Affiliated document custodian.**

The institution must either (a) meet all of the requirements of section 13-2(A) and maintain custody of the Ginnie Mae documents in a separate trust department, or (b) if Ginnie Mae documents are not maintained in a separate trust department, provide evidence satisfactory to Ginnie Mae that

the issuer and the affiliated document custodian are vertically independent.

The trust service function must be subject to periodic review and inspection by the primary regulator. If, upon such review the trust service function is suspended or terminated by the institution's primary regulator, the issuer and custodian must notify Ginnie Mae's Office of Mortgage-Backed Securities (see [Addresses](#)) immediately and must transfer the documents to a new custodian according to Ginnie Mae's instructions.

### ***(E) Document Custodian Identification Number***

Before executing a form HUD11715, an institution must obtain a Ginnie Mae document custodian identification number as specified in Chapter 2(E) of the Manual. The identification number must be placed on all documents on which the document custodian's name appears.

### **13-3: POOL CERTIFICATION**

The document custodian is required to review and certify for each pool that the documents placed in its control completely and accurately represent the pool in accordance with Ginnie Mae requirements and that the documents are consistent with the related Schedule of Pooled Mortgages, form HUD11706 (Appendix [III-7](#)).

For single family and manufactured home pools, the document custodian, by an initial certification, certifies to Ginnie Mae that the issuer has submitted the minimum pool documents required to allow a Ginnie Mae MBS to be issued. By a final certification, the document custodian certifies to Ginnie Mae that the issuer has submitted all required loan documents in correct form. Final certification of a single family or manufactured home pool must be completed no later than 12 months after the issue date of the related securities.

For multifamily pools, the document custodian does not issue an initial certification, but instead provides a final certification of each pool to Ginnie Mae prior to issuance of the securities. Instructions for completing the certification for multifamily pools are in Chapter [31-12](#) and Chapter [32-8](#) of the Guide.

For all pools that are transferred either to a new issuer or a new document custodian, the document custodian, by a recertification, certifies that all required loan documents are present and in good form. If a single family or manufactured home pool has received final certification before the transfer, recertification must occur no later than 12 months after the transfer. If the new document custodian prepares the final certification, recertification will not be required. Additional requirements relating to pool certification can be found in

Chapter 11.

### 13-4: DOCUMENT REVIEW

In connection with initial certification, final certification, and recertification, the document custodian reviews documents submitted in accordance with the requirements of the Manual.

#### ***(A) Initial Certification***

Before completing the initial certification on the form HUD11706, the document custodian must review the submitted documents in accordance with Chapter 3(C)2, Chapter 4(C)2, Chapter 5(C), or Chapter 6(C) of the Manual, as appropriate. The list of loans on the form HUD11706 must be used as a control in determining whether the documents properly relate to the pooled loans.

The documents that must be received and reviewed for initial certification are:

- (1) The form HUD11706;
- (2) An original Certification and Agreement, form HUD11711B (Appendix III-5) (in hard copy or electronic form); and, if the form HUD11711B indicates that a release of security interest is required, an original Release of Security Interest, form HUD11711A (Appendix III-5), executed by each secured party for the pooled loans in which it has a security interest;
- (3) For each pooled mortgage, an original note or other evidence of indebtedness (including documents required for modified loans) endorsed in blank and without recourse by the pooling issuer (for pool types SF, BD, AQ, AR, AT, AF, AS, AX, GP, GT, GA, GD, and SN) or the current issuer (for pool types MH, CL, CS, PL, PN, LM, LS, and RX) if the issuer did not originate the loan. Ginnie Mae requires that the chain of endorsements from the loan originator to the pooling issuer (or current issuer depending on the pool type) be complete;
- (4) For each pooled mortgage, intervening assignments are necessary to show a complete chain of title from the originating mortgagee to the current issuer.

Ginnie Mae requires a chain of assignments from the originator of the loan to the current issuer. The assignments must be complete. The note endorsement, for instance, may be from originator to Company “C” and the intervening assignments may be from originator to Company “B”, then to Company “C”. Both documents must have a complete chain of title, even if the two chains are not identical.

If the loan is registered with MERS, the issuer must provide a complete chain of intervening assignments from the origination of the loan to its assignment to MERS. If the loan was originated with MERS as the original mortgagee (MOM),



an intervening assignment is not required.

If state law requires recordation, the intervening assignments must be recorded (or must have been transmitted by the issuer for recordation).

Ginnie Mae will accept typographical errors and other minor mistakes on an intervening assignment if the recording reference is correct. Copies of the recorded intervening assignments are acceptable if the originals have been lost and they clearly show evidence of recording. If the intervening assignments have been transmitted for recordation, the issuer must provide to the document custodian a written certification to that effect;

- (5) A copy of the FHA letter approving the affordable housing program of the agency borrower is required if a section 203(k) loan is included in the pool and the borrower is a state or local housing agency or nonprofit housing or development agency. The document custodian must retain the FHA letter in the Pool Master File for the life of the loan.

### ***(B) Final Certification***

Before completing the final certification on the back of the form HUD11706, the document custodian must review the submitted documents in accordance with Chapter 3(D)2, Chapter 4(D)2, Chapter 5(C)3, or Chapter 6(C)3 of the Manual (Appendix [V-1](#)), as appropriate. The list of loans on the form HUD11706 must be used as a control in determining that the documents properly relate to the pooled loans.

The issuer may forward the documents required for final certification of a particular loan file to the document custodian incrementally, or the issuer may wait until all the documents for that loan file have been received before forwarding the file to the document custodian. In the latter case, the issuer must forward a completed loan file to the document custodian immediately upon receipt of the last required document. The issuer may not wait until it has collected all documents relating to all loans in a pool before forwarding them to the document custodian. The documents that must be received and reviewed at final certification for each pooled mortgage are:

- (1) The original recorded mortgage or other security instrument and, in the case of a modified mortgage, the original note, the modification agreement, and any required subordination agreement or title endorsement. A copy of the recorded mortgage or other security instrument is acceptable only if the original has been lost and the copy clearly shows evidence of recordation;
- (2) The original recorded intervening assignment. Upon receipt



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of the original recorded intervening assignment from the recorder's office, the issuer is required to forward it to the document custodian. A copy of the recorded intervening assignment is acceptable only if the original has been lost and the copy clearly shows evidence of recordation.

If state law requires recordation, the intervening assignments must be recorded. Ginnie Mae will accept typographical errors and other minor mistakes on an intervening assignment if the recording reference is correct;

- (3) A mortgagee title insurance policy or other evidence of title acceptable to FHA, VA, RHS, or PIH (not required for loans owned by the Secretary of HUD or for VA-Vendee Loans if VA does not provide title insurance). A copy of the complete mortgagee title insurance policy is acceptable only if the original is lost;
- (4) For PIH loans, the document custodian is required to confirm evidence of guaranty;
- (5) Depending on the pool issuance date, third-party verification of FHA insurance or VA and RHS guaranty may no longer be required by the document custodian.

Below is a quick reference chart that can help determine the level of insurance/guaranty verification that is needed for FHA, VA, and RHS mortgages based on the pool issuance date.

<b>Issuer and Document Custodian Requirements for Evidence of Agency Insurance/Guaranty</b>		
<b>Pool Issuance Date</b>	<b>FHA Requirements</b>	<b>VA &amp; RHS Requirements</b>
January 1, 2003 or later	Ginnie Mae assumes responsibility for ascertaining the existence of mortgage insurance. Document custodians may certify loans without evidence of FHA insurance.	Ginnie Mae assumes responsibility for ascertaining the existence of mortgage insurance. Document custodians may certify loans without evidence of guaranty.
Prior to January 1, 2003	Requires one of the following: <ul style="list-style-type: none"><li>• Issuer to provide paper MIC; or</li><li>• Issuer may direct document custodian to review the duplicate MIC on FHA Connection</li></ul>	Ginnie Mae assumes responsibility for ascertaining the existence of mortgage insurance. Document custodians may certify loans without evidence of guaranty.

### **(C) Recertification**

Before completing the recertification on the form HUD11706, the document custodian must review the pool documents in accordance with Chapter 3(E), Chapter 4(E), Chapter 5(D), or Chapter 6(D) of the Manual, as appropriate. The list of loans on the form HUD11706 must be used as a control in determining that the documents properly relate to the pooled loans.

In connection with a pool recertification following a transfer of issuer responsibility, the document custodian must either:

- 1) Receive and review the documents described in Chapter 21(8)(C)(3), in addition to the documents required for final certification of a pool; or
- 2) At the discretion of the issuer, for pools collateralized by single-family loans, review the documents described in Chapter 3(3)(E)(3) of the Manual, and receive and review the documents described in Chapter 21(8)(C)(3) of the Guide.

Notwithstanding the preceding paragraph, Ginnie Mae reserves the right to require issuers to follow its non-streamlined recertification procedures if Ginnie Mae determines that the streamlined recertification would result in unacceptable risk to Ginnie Mae.

### **13-5: RELEASE OF DOCUMENTS TO ISSUER**

Under the terms of the form HUD11715, documents may be released to the issuer from time to time in connection with servicing, including the satisfaction or foreclosure of mortgages. Only the issuer may request the release of documents. Issuers are authorized to request documents from the document custodian only if the documents are necessary to perform servicing actions. The document custodian may rely on the issuer's statements in this regard. Bulk releases of documents for an entire pool must be approved by Ginnie Mae.

Chapter 7(A) of the Manual describes the permitted reasons for a document custodian to release documents.

The Request for Release of Documents, form HUD11708 (Appendix [V-5](#)), is used for releasing individual loan files or documents. Individual loan documents must be specified on the bottom of the form HUD11708. A form HUD11708 must be provided for each loan for which documents are requested from the document custodian. Blanket forms HUD11708 are not acceptable.

When the issuer requests loan files or documents from the

document custodian using form HUD11708, the issuer is responsible for appropriate insurance coverage to insure against any loss or damage to the files in transit.

The issuer may submit the form HUD11708, either in hard copy form or electronically as follows:

(1) Hard copy submissions:

- (a) The issuer must manually prepare a form HUD11708 and deliver it to the document custodian.
- (b) The document custodian must acknowledge receipt of the request form, retain the original, and return a signed copy to the issuer.
- (c) The issuer must retain its copy as evidence of its compliance with the document request procedures.
- (d) If released loan documents are returned to the document custodian (*i.e.*, the loan documents that were released are returned to the pool), the document custodian must verify that the documents meet the certification requirements of the pool and then sign the form HUD11708. A copy of the form HUD11708 is returned to the issuer. Upon receipt and acceptance of the released documents, the document custodian must remove the form HUD11708 from the custodial file.

(2) Electronic submission:

- (a) The issuer must prepare a form HUD11708 and transmit it to the document custodian.
- (b) The document custodian must acknowledge receipt of the form HUD11708 by affixing its electronic signature and transmitting the acknowledged form HUD11708 to the issuer.
- (c) The document custodian must retain a copy of the form HUD11708 in electronic format or may print it out and place it in the appropriate custodial file.
- (d) If an issuer or document custodian retains a form HUD11708 in electronic format, it must be able to provide the form HUD11708 in printed, hard copy form at the request of Ginnie Mae or its designee.
- (e) If released loan documents are returned to the document custodian, the document custodian must verify that the documents meet the certification requirements of the pool and then sign with an electronic acknowledgment the Return of Released Documents at the bottom of the form HUD11708. The document custodian must transmit

the executed HUD11708 to the issuer.

Issuers holding custodial documents must meet the same standards for safekeeping documents that apply to document custodians, as described in Chapter 13-2(A)(2) of this Guide.

### **13-6: INVENTORY ACCOUNTING**

The document custodian must maintain control of loan documents for the life of the pool in order to preserve the interests of the security holders, Ginnie Mae, and the issuer. This Section and Chapter 7(G) of the Manual describe the special inventory accounting requirements that must be followed for each issuer for which the document custodian holds documents.

#### ***(A) Issuer Master File***

The document custodian must maintain an Issuer Master File for each issuer that includes at least the following information:

- (1) The Issuer Custodial Register (described below);
- (2) Any blanket legal opinions;
- (3) A copy of the issuer's corporate resolution for a name change (see section [13-9](#)), if applicable;
- (4) Any other issuer-level documents in the document custodian's possession;
- (5) Initial and/or subsequent Master Custodial Agreement(s), form(s) HUD11715 (Appendix [III-4](#)); and
- (6) A copy of the Resolution of Board of Directors and Authorized Signers, form HUD11702 (Appendix [I-2](#)).

#### ***(B) Issuer Custodial Register***

The document custodian must maintain a register or electronic tracking system for each issuer that contains at least the following Information:

- (1) A listing, in pool number order, of Ginnie Mae pools currently in custody;
- (2) For each pool, the due dates and actual dates for final certification and recertification; and
- (3) The total number of Ginnie Mae pools in custody.

#### ***(C) Pool or Loan Package Master File***

The document custodian must maintain for each pool covered under a form HUD11715 a single Pool Master File that, at a minimum, contains copies of the following documents:

- (1) The Schedule of Pooled Mortgages, form HUD11706;
- (2) The Certification and Agreement, form HUD11711B (if received in hard copy);
- (3) The Certification and Agreement, form HUD11711A, if applicable;
- (4) Originals or copies (if they clearly show evidence of recordation) of blanket interim assignments with a copy included in each individual loan file to which the blanket interim assignment applies;
- (5) Original pool waiver letters from Ginnie Mae, if any; and
- (6) All forms HUD11708 for liquidation releases.

Forms HUD11708 for non-liquidation releases under reason code 6 must be retained in the individual loan files or a non-liquidation release file for released loan documents. To the extent that forms HUD11708 have been submitted and are maintained by the document custodian in electronic rather than hard copy form, it is sufficient that the document custodian be able to promptly provide at the request of Ginnie Mae or its designee, a printed, hard copy form of each electronically maintained form HUD11708.

### ***(D) Annual Inventory***

At least annually the document custodian must perform an inventory of all Ginnie Mae pools held for each issuer in accordance with the procedures specified in Chapter 7(G) of the Manual.

The document custodian must provide each issuer it serves with a written summary of the results of the annual inventory. Any discrepancies must be identified and resolved within 120 days of submitting the inventory summary letter to the issuer. After that time, all unresolved differences must be reported immediately by the document custodian to Ginnie Mae's Office of Mortgage-Backed Securities (see [Addresses](#)).

### ***(E) Non-liquidation Release Listing or File***

The issuer and the document custodian must each maintain a non-liquidation release inventory comprised of a listing or file of all forms HUD11708 submitted on the basis of the non-liquidation releases under reason code 6. If a file is maintained, copies of the forms must be kept in chronological order by document release date. If a listing is maintained, the following information must be included:

- (1) Pool number;
- (2) FHA/VA/RHS/PIH/Section184 case number or issuer loan

number; and

(3) Document release date.

Loan files or documents released to an issuer with a non-liquidation reason under reason code 6 must be returned to the document custodian within 90 days. When a loan file or document has been released for more than 90 days, it is overdue for return to the document custodian. The document custodian must notify the issuer of overdue documents after 90 days. The notification must be in writing and be documented in the inventory. The issuer must also maintain a non-liquidation release inventory. If the loan file or document is overdue by 180 days, the document custodian must notify Ginnie Mae's Office of Mortgage-Backed Securities of the violation (see [Addresses](#)).

### **13-7: MISSING DOCUMENT RESOLUTION**

This Section briefly describes the responsibilities of the issuer and the document custodian regarding missing documents.

Lost or missing documents are documents that are known to have existed but that are currently not in the possession of the issuer, document custodian, or an agent of the issuer such as a foreclosure attorney or subcontract servicer.

If the missing document relates to a loan in a pool that has not been finally certified, the issuer must replace the document prior to completion of the final certification, which must be completed within 12 months of the issue date of the securities.

If final certification or recertification has occurred, the loan document must be replaced within 90 days of the date of the written notice from the document custodian. If the document is not replaced within 90 days, the document custodian must notify Ginnie Mae's Office of Mortgage-Backed Securities (see [Addresses](#)). The affected pool will be considered decertified until the missing loan document has been replaced. The document custodian must submit a letter of non-compliance to the issuer and Ginnie Mae.

If the missing document is a note for which a lost instrument bond with limited liability is required, the issuer must submit an original lost instrument bond with limited liability to the document custodian in compliance with the requirements in Chapter 7(1) of the Manual. The required form of lost instrument bond with limited liability can be found at Appendix I to the Manual.

The description that follows is not designed to be comprehensive and cannot be construed as a substitute for the advice of qualified legal counsel.

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### ***(A) Document Custodian's Responsibilities***

When a document custodian becomes aware that a required document is missing, it is the document custodian's responsibility to send to the issuer, within 30 days, a written lost document notification requesting timely resolution by the issuer in accordance with the requirements of Chapter 7 of the Manual.

### ***(B) Issuer's Responsibilities***

The issuer must submit the replacement document in a timely manner.

### **13-8: ISSUER CORPORATE NAME CHANGE**

In the event of an issuer corporate name change, the issuer must provide to the document custodian a copy of the corporate resolution adopting the change within 30 days of the name change. The resolution must be maintained by the document custodian in the Issuer Master File.

### **13-9: TRANSFER OF DOCUMENT CUSTODIAN RESPONSIBILITY**

An issuer seeking to transfer document custodial responsibilities must submit the request through GinnieNET. The issuer must receive Ginnie Mae's prior written approval through the PPA (see [Addresses](#)) before changing document custodians.

#### ***(A) Issuer's Responsibility***

The request must identify the parties involved in the transfer along with the reason for the transfer, ensure the existence of form HUD11715 for the new document custodian, and indicate whether all pools for an issuer or only some of its pools for an issuer are being transferred. If not all pools are being transferred, only the pools being transferred are to be included in the GinnieNET transmission.

#### ***(B) Ginnie Mae Approval***

Upon receipt of the transfer request and properly executed form HUD11715, the PPA will indicate Ginnie Mae's approval or denial through a GinnieNET transmission. The current document custodian may not release documents to the new document custodian until it has received Ginnie Mae's approval through GinnieNET.

#### ***(C) Responsibility for Documents***

The issuer of record as of the date of transfer, as recognized by Ginnie Mae, is responsible for control of the documents until they are released to the new document custodian. The documents must be released directly to the new document custodian, not to the issuer. The issuer of record, as recognized by Ginnie Mae, as of the effective date of transfer is responsible for the safe transfer of the documents to the new document custodian's facilities. Before releasing the documents, the current document custodian must verify that Ginnie Mae has approved the transfer by obtaining from the issuer a copy of the Ginnie Mae approval.



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### ***(D) Delivery of Requests for Release of Documents***

Upon Ginnie Mae's approval of the transfer, the previous document custodian must deliver all forms HUD11708 in its possession to the new document custodian. The previous document custodian must transfer these forms in the same format, either hard copy or electronically, in which it received them.

### ***(E) Document Custodian's Notice of Release***

When the documents are released to the new document custodian, the previous document custodian must write the following notice at the end of the separate exhibit of pool numbers:

All documents held by [name of existing document custodian] pertaining to Ginnie Mae pool number(s) listed on this exhibit have been released to [name of new document custodian]. The release was made to [name of person representing new document custodian] and was completed on [date].

### ***(F) New Document Custodian's Review***

The new document custodian must carefully review the form HUD11706 in the possession of the previous document custodian to determine that it has received all required documents relating to all loan and pool documents in each affected pool.

The new document custodian must also use the form HUD11708 in its review of the document files for completeness and to complete the new pool final certification or recertification.

### ***(G) New Document Custodian's Certification Responsibilities***

If a pool or loan package is transferred to a new document custodian before final certification, it must then receive final certification in compliance with the requirements of Chapter 11-5(C) or 11-5(D) on or before the time final certification is due for that pool. Each pool transferred to a new document custodian after the pool has been finally certified must be recertified in compliance with the requirements of Chapter 11-5(E) or 11-5(F) within 12 months after the date of written approval of the transfer by the PPA on behalf of Ginnie Mae.

### ***(H) Updated Schedule of Pooled Mortgages***

Within twelve (12) months of the transfer, and as part of the certification or recertification process, the issuer or new document custodian must submit to the PPA for each pool an updated copy of the original form HUD11706 marked to indicate mortgages that have been satisfied. The document custodian may reconcile the original loans listed on the original form HUD11706 to the active loans listed on the issuer's current loan trial balance and the forms HUD11708 for the loan files that have been removed. The final certification or recertification must

be signed by the issuer and new document custodian.

A copy of the original form HUD11706 with manual lining-out of liquidated loans is acceptable. The final certification or recertification, however, must have original signatures for both the issuer and new document custodian. The issuer and the new document custodian may accomplish this by signing a new form HUD11706 that refers to the list of mortgages on the modified copy. The recertification may also be performed through GinnieNET without the need for deleting liquidated loans.

### **13-10: TERMINATION OF POOL**

A Ginnie Mae I pool and a Ginnie Mae II custom pool may be terminated prior to the final maturity date of the outstanding securities in accordance with the provisions of Chapter 20-3. When such a termination has been processed by Ginnie Mae, Ginnie Mae will notify the document custodian and authorize the release of the mortgage documents to the issuer.

A multiple issuer pool consisting of more than one loan may not be terminated prior to the final maturity date.

When a pool is terminated as part of a consolidation of bond financed pool under the provision of Chapter 24-2(B)(2), Ginnie Mae's authorization of the release of the mortgage documents, along with a copy of the letter notifying Ginnie Mae that the pools are being terminated as part of a bond pool consolidation, will be sufficient for the document custodian to transfer all of the loan documents to the consolidated pool file. However, the loan documents in the pools to be terminated should not be transferred to the consolidated pool file until after the 5th business day of the month in which the consolidated pool will be issued.

### **13-11: MATURITY OF POOL**

A pool matures when all the loans in the pool have been paid in full, foreclosed, or otherwise liquidated.

The issuer must submit a form HUD11708 to the document custodian for the release of documents. Upon verifying with the issuer that the pool security balance is zero, the document custodian must return the remaining pool documents to the issuer for appropriate action. If the issuer fails to submit a form HUD11708 for the release of the documents within 90 days after pool maturity, the document custodian must return the documents to the issuer.

The document custodian must note the final removal of the loan documents from its possession on the form HUD11706 or on the

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automated inventory control record. It is the issuer's responsibility to request the Pool Master File from the document custodian after all loans have been liquidated. If the issuer fails to request the Pool Master File from the document custodian within 90 days after the maturity of the pool, the document custodian must return the Pool Master File to the issuer. If a file was requested in error, the issuer must return it to the document custodian along with the Pool Master File.